

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING TESTIMONY ON "SWITCHING EXEMPTION"**

In Decision (D.) 02-03-055, the Commission created an exemption to D.01-09-060 by permitting direct access customers to choose a new ESP and continue on direct access even if they had returned to bundled service after September 20, 2001, but subject to some restrictions.¹ (D.02-03-055, p. 21.) This exemption is referred to as the "switching exemption."

In D.02-04-067, the Commission granted limited rehearing on the issue of whether the "switching exemption" is unlawful. The limited rehearing on this issue was made part of this proceeding on cost responsibility surcharges. As stated in D.02-04-067, the limited rehearing was granted so that the switching exemption can be considered further in light of AB 1X and D.01-09-060, and to develop an adequate record for such an exemption, as required

¹ On page 25 of D.02-03-055, the Commission sets forth a list of those customers or types of new locations or loads that are ineligible to move from bundled service to direct access. (D.02-03-055, p. 25.)

In accordance with the directives of D.02-04-067, the further consideration of the switching exemption shall be addressed within the scope of testimony that has previously been scheduled on cost responsibility issues in this proceeding. Under the most recently revised schedule, opening testimony is due on May 20, 2002, and reply testimony is due on June 3, 2002. Parties are thus placed on notice that any issues related to further consideration of the switching exemption, pursuant to the limited rehearing granted in D.02-04-067, should be included within the scope of their testimony under the schedule for cost responsibility for direct access and departing load customers.

IT IS RULED that:

1. In accordance with the directives of Decision (D.) 02-04-067, the further consideration of the switching exemption shall be addressed within the scope of testimony that has previously been scheduled on cost responsibility issues in this proceeding.
2. Parties are placed on notice that issues relating to the switching exemption, pursuant to the limited rehearing granted in D.02-04-067, shall be included within the scope of their testimony to be submitted on cost responsibility under the most recently revised schedule.

Dated May 2, 2002, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Testimony on "Switching Exemption" on all parties of record in this proceeding or their attorneys of record.

Dated May 2, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.